UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,024	10/25/2000	Bob Lamoureux	W0001-004001	3438

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EXAMINER
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ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/697,024	LAMOUREUX ET AL.
Office Action Summary	Examiner	Art Unit	
	Joseph A. Fischetti	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) *1-11 and 34-43* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   **Office Action Summary**   Part of Paper No./Mail Date 05252005

Election/Restrictions

Claims 1-11,34-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/14/05. Applicant argues that there is no excessive burden place on the examiner to examine all claims. However, this is a business method case and requires a template search to be conducted for each and every independent claim. As such, the MPEP and the cited cases do not contemplate this scenario. The Office has mandated increased search requirements and justifications for allowances in all such cases. As such, the addition of any additional independent claim would constitute an increased burden, not only to the examiner but to the down-stream reviewers of all issued cases in the business method art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 29, there is no prior antecedent basis for "step of distributing", the claim is incomprehensible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12,13, 14, 15,16, 17,18,20, 21,23, 24,25,26, 28, 31 are rejected under 35

U.S.C. 102(e) as being anticipated by Multer et al.

Multer et al discloses assembling information into bundles (data package read as

bundle col. 10 line 28 et seq.), wherein each bundle consists of a data element

reference (UUID col. 12)and meta data describing the data element (col. 38 line 63),

and wherein each data element remains resident on a node of a data owner in a

network(data pack files reside in a user account col. 40), distributing the meta data

from the bundles through the network (meta data in col. 38 is disclosed as merged   .

from data packages which are distributed through the network through internet

connection 710), and distributing copies of the data elements in the bundles

assembled in the step of assembling from the network node of their respective data

owners to the network nodes of accessors (delta engines distribute copies of the

data elements which are assembled after data extraction and synchronization occurs

at the AOS which occurs following selection of the data elements by the accessors

see col. 11 lines 9 et seq., col. 1355 et seq.).

Re claim 13: each bundle includes security information (encryption module 960 may encrypt delta data) read as identifying entitled accessors of the data (UUID identifies who gets the packet of data), and wherein the step of distributing only distributes the bundle to the entitled accessors (the UUID insures only recipients bearing the correct code obtains distribution e.g. access).

14. The method of claim 13 further including the step of negotiating trusted relationships between owners and accessors to define the security information (inherent to any encryption step is the provision of a trusted relationship between owners and acceesors e.g. random number generators must be negotiated before encryption is enabled).

15. The method of claim 13 further including the step of selecting networked users to receive bundles from, from a directory of authorized networked users before the steps of distributing (each device engine can control the download of data packages that include classes of information that apply to the specified local device col. 10 lines 31 ret seq.)

16. The method of claim 13 wherein a format for the security information allows for organization identifiers to be included in the security information (the UUID is included as part of the encrypted data packets).

17. The method of claim 12 further including the step of defining one of the meta data elements in response to owner input (web browser client 808 has its own set of application data 828 which inherently would include owner defined meta data of col. co. 38 line 60 et seq.)

18. The method of claim 12 further including the step of recording the distribution of data element copies to accessors and associated information concerning the transaction (differencing receiver 102 reconstructs files on system B col. 5 lines 46 et seq. read as a recording step)

20. The method of claim 12 further including the step of nesting at least some of the bundles in superbundles that include additional information(meta data packages are arranged as large or super bundles col. 38, lines 59 et seq.) .

21. The method of claim 20 wherein each bundle includes security information identifying entitled accessors of the data (the UUID identifies entitled accessors), and wherein only accessors with entitlements to both a bundle and its superbundle can see both the bundle and the superbundle (UUID would inherently need to identify all information in the superbundle).

23. The method of claim 20 wherein the bundle and the superbundle have different owners at different nodes and wherein the step of distributing distributes the bundle and the superbundle from the different nodes (since each data package is an individual subset of the meta data package, each data package is a capable of being owned by different owners given that each code will designate a different combination of data).

24. The method of claim 12 wherein the bundles include attachment references to one or more files of different types (AppObj can contain children objects children object are read as attachments col. 17 line 61).

25. A file in C++ would by definition need to be formatted see e.g. col. 10 line 50.

26. The delta package must inherently include bundles referencing to other bundles in order to show differences.

28. The synchronizer 104 identifying signals to the different nodes of the network e.g. difference between system A/B are identifying signals and the periodic issuing of bundle

versions occurs by the differencing transmitter 100 which periodically creates a difference information which are separate bundle versions.

31. internet connection 710 is inherently capable of peer-to-peer transfer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12,13, 14, 15,16, 17,18,20, 21,23, 24,25,26, 28, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer et al. Claims 12,13, 14, 15,16, 17,18,20, 21,23, 24,25, 28, 31 are made obvious over the applicable portions of Multer et al. as set forth above.

Claims 19, 22, 27, and 30, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer et al in view of Waclawski et al.

Re claims 30, 32, 33, Multer et al is silent on the step of using meta data to detect, blend and filter bundles based on meta data attachments. Waclawski et al. do teach these feature at the meta processor 210 see coil.6. It would be obvious to modify the method of Multer et al. to include the meta processor feature to detect blend and filter data, the motivation being the ease of human readable labeling.

RE claim 19: whatever the meta data is used to identify is a matter of user design.

Re claim 22: Official Notice is taken to the step of presenting alternative content to recipients who lack entitlement to both a given content, see e.g. web site for paying customer only Lexis, offers higher end search for paying customers than to the public.

Re claim 27: Official notice is taken to the standard messaging practice of replied-to reference messaging between data bundles.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

Joseph A. Fischetti
Primary Examiner
Art Unit 3627